

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:06CV307**

FRANK BETZ ASSOCIATES, INC.,

Plaintiff,

v.

**SOUTHERN FLAIR BUILDERS, INC.,
JAN GRIFFIN and STEVE MOSS**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on Defendants’ “Motion for Stay of Proceedings Pending a Ruling on Defendants’ Motion to Dismiss” (Document No. 17), filed September 29, 2006; “Memorandum in Support of Motion for Stay of Proceedings Pending a Ruling on Motion to Dismiss” (Document No. 18), filed September 29, 2006; and “Plaintiff’s Response to the Defendants’ Motion for Stay of Proceedings Pending a Ruling on Motion to Dismiss” (Document No. 20), filed October 11, 2006. The parties have consented to magistrate jurisdiction pursuant to 28 U.S.C. § 636(c), and this motion is now ripe for disposition.

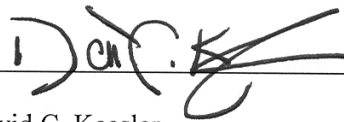
After a careful review of the motion, the memoranda, the case file and applicable authority, the undersigned will deny the motion to stay. The Court acknowledges its discretion to stay the case pending a decision on a dispositive motion, but instead directs the parties to comply with Fed.R.Civ.P. 26(f) and Local Rule 16.1(A) without delay. The parties shall confer consistent with those rules, and if possible, the parties shall file an amended joint certification and proposed discovery plan. Failing that, the Defendants shall file their own certification and proposed discovery

plan, and the Court will consider it along with that already filed by the Plaintiff in fashioning a pretrial order and case management plan. The Court will endeavor to address Defendants' Motion to Dismiss as soon as is practicable.

IT IS, THEREFORE, ORDERED that Defendants' "Motion for Stay ..." (Document No. 17) is **DENIED**.

IT IS FURTHER ORDERED that the parties shall confer, and that either the parties jointly, or the Defendants unilaterally, shall file a new certification of initial attorneys' conference and an amended proposed discovery order pursuant to Fed.R.Civ.P. 26(f) and L.R. 16.1(A) on or before **November 17, 2006**.

Signed: October 27, 2006



David C. Keesler
United States Magistrate Judge

